

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-cv-00066-FDW-DSC

GREGORY ARTHUR REID JR.,)	
)	
Plaintiffs,)	
)	
vs.)	ORDER
)	
CHARLOTTE MECKLENBURG)	
SCHOOLS,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court on Plaintiff's Motion for Continuance (Doc. No. 70), which was filed in person by Plaintiff in the Clerk's office on November 17, 2015. The Clerk's office processed entering the motion on the electronic docket today, November 18, 2015, at which time the undersigned became aware of Plaintiff's motion. Notably, the Court conducted a status conference on November 17, 2015, which lasted from 3:15 p.m. to around 4:00 p.m., and then a judicial settlement conference from 4:00 p.m. to shortly past 5:00 p.m. During this status conference and informal judicial settlement conference, Plaintiff never mentioned the motion he had previously filed that afternoon. Defendant has not filed a response, but the Court finds that in the interests of justice, the Court need not await a response from Defendant. For the reasons that follow, the Court DENIES Plaintiff's motion.

As an initial matter, the Court is troubled by the fact Plaintiff filed this motion in the Clerk's office prior to a status conference and hearing before the undersigned yesterday afternoon, yet never mentioned the motion or his impending request to continue the trial date. Plaintiff never referenced a request to continue, notwithstanding the Court's lengthy discussion of the trial date,

upcoming deadlines for joint pretrial submissions, and Plaintiff's responsibilities associated with both trial and pretrial submissions.

Nevertheless, the Court has reviewed the motion and Plaintiff's arguments in support of his request and finds them insufficient to continue trial in this matter. As to Plaintiff's argument that he needs additional time to obtain an attorney for trial, Plaintiff has had ample time to secure legal representation. Plaintiff, who filed this case *pro se* and has proceeded to represent himself throughout the pendency of this action, does not have a right to an attorney in a civil case, and the Court will not continue trial for him to do so at this late date. To the extent Plaintiff forecasts that his current medical conditions prevent him from being able to fully participate in these legal proceedings, Plaintiff has not submitted any medical opinion to support this argument. Should Plaintiff obtain a medical opinion that his medical conditions prevent him from participating in trial, Plaintiff shall file such opinion with the Court if he intends to renew his motion. If such a motion is filed, the Court will promptly conduct a hearing so that Plaintiff's medical provider can present testimony and be available for cross-examination.

Finally, Plaintiff argues the Court should grant his motion because the Court has allowed Defendant extensions of time in this matter. While true, those extensions are routinely granted to both plaintiffs and defendants by the Court at least one time, so long as they do not affect the trial setting. Additionally, the Court also allowed additional time for Plaintiff to respond to Defendant's motion for summary judgment. See Doc. No. 59 (allowing Plaintiff until September 18, 2015, to file a response to motion filed August 21, 2015). The Court rarely continues trial settings absent extraordinary circumstances, which are not present here at this time.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Continue (Doc. No. 70) is DENIED.

IT IS SO ORDERED.

Signed: November 18, 2015



Frank D. Whitney
Chief United States District Judge

